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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,595	12/15/2003	Hiroshi Watanabe	062709-0122	1453

22428 7590 06/07/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

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06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10734595	12/15/03	WATANABE, HIROSHI	062709-0122

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EXAMINER

Russell D.. Stormer

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20070601

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Commissioner for Patents

Attached are a copy of the PTO/SB/08 submitted by Applicant on May 10, 2007, and a detailed Office Action in response to the filing of the IDS.

Information Disclosure Statement

1. The information disclosure statement filed May 10, 2007 fails to comply with 37 CFR 1.98(a)(3)(i) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the U.S. Patent 6181241 to Normann et al has been considered. The information referred to in the non-English documents has not been considered.

The explanation of the relevance of each foreign language document cited is not considered to be a "concise explanation" of the relevance. Applicant notes that a commercially available (or machine-generated) abstract has been provided with each of the non-English references.

Under 37 CFR 1.56 Applicant has a duty to disclose all known information which is material to the patentability of the claimed invention, i.e., each pending claim. As noted in 37 CFR 1.56(b), information is material to patentability when it is not cumulative to information already of record in the application, and, it establishes by itself or in combination with other information a *prima facie* case of unpatentability of a claim; or it refutes or is inconsistent with a position taken by Applicant. A reference cited in an Information Disclosure Statement is therefore admitted to be material to the patentability of the claimed invention. The Information Disclosure Statement filed May 10, 2007 lacks a statement explaining how the references cited therein are material to the claimed invention.

Therefore, the mere reference to a machine-generated abstract does not *concisely* explain the relevance of the references to the claimed invention, and does not demonstrate how the references cited therein are material to the patentability of the claimed invention, i.e., how they are relevant to each of the claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/4/07


RUSSELL D. STORMER
PRIMARY EXAMINER 6/4/07